

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JOHN D. DAVENPORT and
BETTY DAVENPORT

Plaintiffs,

V.

KNIGHT TRANSPORTATION,
INCORPORATED, and
TERRY HAMPTON DAVENPORT,

Defendants.

CASE NO. 06-676-JJF

PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION TO COMPEL

1. In response to defendants' motion to compel, plaintiffs concede that their discovery responses are overdue. However, plaintiffs wish to bring the following mitigating circumstances to the Court's attention.

2. In October of 2006, a life and death crisis arose in plaintiff's counsel's office involving a key member of counsel's staff, a 911 operator, the State Police, a physician, a psychologist and a hospital. This incident created havoc in counsel's office which did not begin to return to normal for several months.

3. By March of 2007, things returned to normal, but in June of 2007, counsel was left without any staff whatsoever, resulting in counsel performing the role of attorney, secretary, paralegal and receptionist. As a result of this situation, the Honorable Vincent Bifferato became involved in an effort to provide assistance.

4. While this was going on, counsel met with plaintiffs and obtained the information necessary to respond to defendants' discovery requests. In early September of 2007, counsel's new secretary spoke to the secretary for defense counsel requesting that they send us the interrogatories electronically to make it easier for us to respond. We were told that they would do this. When we did not receive them, counsel's secretary spoke directly with defense counsel, who again agreed to forward the interrogatories electronically. When we did not receive them, counsel wrote to defense counsel renewing the request. Attached as Exhibit 1 is a copy of the written request. Counsel received no response to the attached letter.

5. The interrogatory answers have since been prepared, and we are making arrangements for plaintiffs to come in, review them, and sign affidavits.

6. It is anticipated that full and complete discovery responses will be served, without objection, by Friday, November 2, 2007.

7. Plaintiffs respectfully request the issuance of a revised scheduling Order for completion of discovery and exchange of expert reports. If the Court grants this request, counsel will confer and submit a proposed Order.

8. Plaintiffs are also interested in submitting the matter to mediation.

CHARLES SNYDERMAN, P.A.

/s/ Charles Snyderman
CHARLES SNYDERMAN, ESQUIRE
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Attorney for Plaintiffs

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NOTICE OF SERVICE OF
PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION TO COMPEL

I, Charles Snyderman, Esquire, hereby certified that on October 26, 2007 two copies of the Plaintiff's Response to Defendant's Motion to Compel was sent by first class United States mail to the following persons:

Richard D. Becker, Esquire
Becker & Becker
2702 Capitol Trail
Newark, DE 19711

CHARLES SNYDERMAN, P.A.

/s/ Charles Snyderman

CHARLES SNYDERMAN, ESQUIRE

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Wilmington, DE 19808

(302) 239-1140

Attorney for Plaintiffs

DATED: October 26, 2007

Charles Snyderman, P.A.

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Please Visit Our Website:
www.lawyers.com/snyderman

September 25, 2007

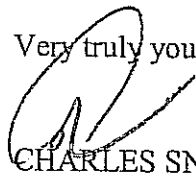
Richard Becker, Esquire
2702 Capitol Trail
Newark, DE 19711

RE: Davenport v. Knight Transportation, Inc., et al
C.A. No. 06-676 JJF
My File No.: 9028

Dear Rick:

I know that my answers to your interrogatories are past due, and I am now prepared to provide you with answers to interrogatories. However, it would make it a lot easier for me if you could email your interrogatories to me. I understand that my secretary had spoken with you about this before. Please send them as soon as possible.

Very truly yours,



CHARLES SNYDERMAN

CS/nn

EXHIBIT 1